

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SHERYL L. ASTOLOS,

Plaintiff,

v.

ORDER  
06-CV-678

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on April 11, 2007. On March 6, 2007, both plaintiff and defendant filed motions for judgment on the pleadings. On July 22, 2008, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion be granted and that plaintiff's motion be denied.

Plaintiff filed objections to the Report and Recommendation on August 5, 2008 and the defendant filed a response thereto. Oral argument on the objections was held on October 8, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion is granted and plaintiff's motion is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 14, 2009